

**AGREEMENT FOR SALE OR EXCHANGE OF DOMESTIC QUALITY WATER  
BY AND BETWEEN THE SHIVWITS BAND OF THE PAIUTE INDIAN TRIBE  
OF UTAH AND THE CITY OF ST. GEORGE, UTAH**

This Intergovernmental Agreement ("Agreement") is made and entered into by and between the City of St. George, Utah, and the Shivwits Band of the Paiute Indian Tribe of Utah on \_\_\_\_\_.

**DEFINITIONS**

**Band:** The Shivwits Band, a federally recognized sovereign Indian Tribe, and one of the five constituent bands of the Paiute Indian Tribe of Utah.

**City:** The City of St. George, a Utah municipal corporation.

**Domestic/ Potable Water:** Water that meets all applicable drinking water standards.

**RECITALS**

The Band and the City are two of several parties currently negotiating a settlement of the Shivwits Band's reserved water rights claims. Under the proposed settlement, the United States on behalf of the Band would pay the City \$15 million to build a new Reuse Project at the City's wastewater treatment plant. The Band would settle its water rights claims in exchange for 4000 acre feet annually of non-potable water, 2000 acre feet of which would come from the Reuse Project. One condition precedent to effectiveness of the proposed settlement is that the Band first enter enforceable agreements with the City and the Water District that will satisfy the Band's future needs for potable water.

The purpose of this Agreement is to set forth the terms and conditions under which the City will sell to or exchange with the Band potable water, in perpetuity, at in-City rates.

**AGREEMENT**

The parties agree that:

1. The City will provide up to 200 acre feet annually ("AFA"), at peak flow rates of 250 gallons per minute, of domestic/potable water to the Band pursuant to one or more of